

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES B. PAWLOSKI

Defendant.

Case No. 20-3008-CR-S-SRB

MOTION FOR DETENTION

The United States of America, by and through its undersigned counsel, moves this Court to order the detention of the defendant, Charles B. Pawloski, and states the following in support of the motion:

1. An indictment has been filed charging Mr. Pawloski with being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). As such, he faces a maximum sentence of ten years' imprisonment.

2. Title 18, United States Code, Section 3142(f) provides, in pertinent part, that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions "will reasonably assure the appearance of such person as required and the safety of any other person and the community" if the attorney for the Government moves for such a hearing and the case involves:

"(E) any felony that is not otherwise a crime of violence that involves...the possession or use of firearm..." In this regard, the facts and circumstances which the government anticipates will be proven at trial in this matter are as follows.

On June 8, 2018, at 11:44 am, SPD Officers Zachary Pugh and Patrick Lightwine responded to 2548 West Mount Vernon, Springfield, Missouri, in reference to complaints of possible drug sales occurring at the location due to high levels of vehicle and pedestrian traffic. Both officers

responded to the back door of the residence due to information that the front door was not accessible. Officers found the back door, which was a sliding glass door, was ajar with a male and female laying asleep on the dining room floor inside the residence. Officer Pugh knocked and yelled loudly until the male, later identified as Udie Huson, awoke. Huson attempted to wake the female but she was unresponsive. Officer Pugh noticed what he believed to be narcotic paraphernalia near the female and that her skin was pale. Officer Pugh believed the female had possibly overdosed since she was unresponsive, combined with suspected narcotic paraphernalia prevalent in the residence, and he entered the house to render aid to her. Officer Pugh was able to wake the female who was identified as Cassandra Foskuhl who advised that there were other people present inside the residence.

Officer Pugh then conducted a safety sweep of the residence and encountered Pawloski in a bedroom north of the dining room. Pawloski was seated on a bed with his back against the wall and head and body slouched down. Officer Pugh saw several hypodermic syringes laying around Pawloski, as well as a case for long guns on the bed next to Pawloski. Officer Pugh woke Pawloski and escorted him to the dining room with the others. Also present in the home were Kevin Merritt found sleeping on a living room couch and an elderly female in the northwest bedroom who was left in that room due to apparent health concerns. Officer Pugh checked on Foskuhl and found she appeared to be coherent and fine. He explained to her why the police were there and then asked Pawloski if there was anything illegal in his bedroom. Pawloski replied, "Just the syringes," which Officer Pugh had already seen. When further asked, Pawloski advised there was a shotgun inside the case on his bed. Officer Pugh asked Pawloski for consent to search his room and Pawloski granted consent.

Officer Pugh searched the bedroom and found the black case on the bed next to Pawloski contained a loaded Mossberg 12 gauge shotgun, serial number MV9L247R. Also located in the room were syringes but Officer Pugh believed they were unused.

Routine checks disclosed that the firearm was not reported stolen but Pawloski had an active warrant for a being a Felon in Possession of a Firearm, out of Lee County, Illinois. Consequently, Officer Pugh seized the firearm and arrested Pawloski for the outstanding warrant. Subsequently, Pawloski was transported to the Greene County jail and booked in for the warrant. Thereafter, Officer Pugh logged the shotgun into the SPD Property Room as evidence.

ATF Task Force Officer (TFO) Eric Pinegar conducted physical exams and successfully test fired the guns seized by the Springfield Missouri Police Department (SPD) on May 08, 2018 and on June 08, 2018,

and determined that they functioned as designed. The firearms and magazine were then returned to the SPD Property Room as evidence. Subsequently, a nexus determination was also obtained by SA Brian Fox for the firearms.

3. The United States submits based on the foregoing, that there is clear and convincing evidence that there are no conditions that the Court could place on Mr. Pawloski's release that would reasonably assure his appearance in Court and the safety of the community. *See* 18 U.S.C. § 3142(g)(1) nature and circumstances of the offense; (2) weight of the evidence; (3)(A) the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings, and (B) whether the defendant was on probation/parole at the time of the offense; and (4) danger to the community or other persons. Because of this, the United States requests that a detention hearing be held and that Mr. Pawloski be detained. *See generally, United States v. Sazenski*, 806 F.2d 846, 848 (8th Cir. 1986); *United States v. Warren*, 787 F.2d 1337, 1338 (8th Cir. 1986).

WHEREFORE, based on the foregoing, the United States requests that the Court hold a detention hearing in accordance with 18 U.S.C. § 3142(f), and following such hearing, order the detention of Mr. Coffman.

Respectfully,

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United States Attorney

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on January 22, 2020, to the CM/ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ William L. Meiners

William L. Meiners

Assistant United States Attorney